


Information (What a Notary Can Do)

Notarial Acts Authorized by Montana law:

1. Take Acknowledgements
2. Witness Signatures
3. Perform Jurats
4. Certify copies of certain documents
5. *Certify depositions*
6. *Protests of instruments*
7. *Other acts as authorized by a law of this state*



TAKE ACKNOWLEDGEMENTS

A declaration by an individual before a notarial officer that the individual has knowingly and voluntarily signed a record for the purpose stated in that record.

- ✓ Requires personal appearance
- ✓ Requires a signature – *not necessarily made in the notary's presence**
- ✓ Requires the signer to verbally state the signature is his/hers and was made knowingly & willingly
- ✓ Requires a complete notarial certificate substantially in the form in §1-5-610(1), MCA

* This is the only notarial act that can be performed remotely on a tangible document!

WITNESS SIGNATURES

The actual observation by the notarial officer that the individual is knowingly and voluntarily signing the record.

- ✓ Requires personal appearance
- ✓ Requires a signature – *must be made in the notary's presence*
- ✓ Requires a complete notarial certificate substantially in the form in §1-5-610(4), MCA

PERFORM JURATS

The actual observation by the notarial officer of the individual knowingly and voluntarily signing the record,
And the administration of an oath or affirmation, placing the signer under penalty of perjury, that the statements or contents of the document are true.

- ✓ Requires personal appearance
- ✓ Requires a signature – must be *made in the notary's presence*
- ✓ Requires the notary to administer an oath or affirmation
- ✓ Requires a complete notarial certificate substantially in the form in §1-5-610(3), MCA

CERTIFY COPIES

The attestation by the notarial officer that *the copy of a particular document* is a true, correct, and unaltered image or reproduction of the original
made by the notarial officer.

- ✓ Requires the notary to make the copy from the original document
- ✓ Only certain records can be copy-certified
- ✓ Requires a complete notarial certificate substantially in the form in §1-5-610(5), MCA

DEPOSITIONS & PROTESTS

Certification of Deposition

- ✓ Can only be done by the person who transcribed the deposition (Court Reporter)
- ✓ Don't confuse this with notarizing an affidavit of a deposition

Protest of Instrument

- ✓ Involves a financial transaction
- ✓ Rarely used
- ✓ Often requested by individuals attempting to commit fraud or otherwise circumvent the law

OTHER AUTHORIZED ACTS

- **Proof of Execution - §1-5-304**
 - **1-5-304.** Powers of officer taking proof of execution. Officers authorized to take the proof of instruments are authorized in such proceedings to: (1) administer oaths or affirmations as prescribed by law;
- **Certification of Elector - §13-27-307(1), MCA**
 - **Consideration and tabulation of signatures by secretary of state.** (1) The secretary of state shall consider and tabulate only the signatures on petitions that are certified by the proper county official. The secretary of state may reject any petition that does not meet statutory requirements. The secretary of state shall return a rejected petition to the proper county official. The county official shall correct the error, when applicable, or send or deliver the rejected petition to the signature gatherer. The secretary of state may consider and tabulate any signature not certified by the county official that is certified by a notary public of the county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.
- ??? – Call SOS Office for Assistance!

Understanding (What a Notary Can't Do)

A Montana Notary Public may not:

1. Verify a person's identification documents
2. Certify that a person is alive
3. Certify copies of "public records"
4. Certify an original document
5. Perform a marriage



Information (So You Do It Right)

- ✓ Look to the document for clues – READ THE NOTARIAL CERTIFICATE *if there is one!!!!*
- ✓ Ask the customer
- ✓ Refer to the Montana Notary Public Handbook
- ✓ Call the Notary & Certifications Division of the Secretary of State's Office
- ✓ ALWAYS COMPLETE THE STEPS TO A PROPER NOTARIZATION



The Notary Certificate (Block)

State of _____
County of _____ } **Venue**

This instrument was _____ *[The type of notarial act]* before me
on _____ by _____ } **S. o. P.**
Print name of signer(s)

{ **Seal/Stamp** } _____ **Notary's Signature**
Notary Signature


No Certificate = No Notarization; Incomplete Certificate = Improper Notarization



Section 1:

What's a notary to do?


(Identify the type of notarial act required or completed on the following documents)



Section 2:

What's wrong with this picture?


(Identify the mistakes made on the following documents)



Section 3:

Practice, practice, practice.

(Notarize the following documents)



And...

*It's still
Magic
even if you
know how it's
done.*